

TOYA141.001APC

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yasuda, et al. ) Group Art Unit: 1623  
Appl. No. : 10/521,947 )  
Filed : January 21, 2005 )  
For : COMPOSITION FOR )  
PROMOTING THE )  
PROLIFERATION OF )  
LACTOBACILLUS CASEI )  
SUBSP. CASEI )

Examiner : unknown

RECEIVED

13 JAN 2006

Legal Staff  
International DivisionPETITION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicants hereby respectfully petition that the Declaration and Power of Attorney submitted on February 18, 2005 and resubmitted on August 9, 2005 be entered in response to the Notice of Missing Parts mailed on July 18, 2005.

STATEMENT OF FACTS

In anticipation of a Notice to Respond to Missing Parts, a Declaration/ Power of Attorney and a check to cover the surcharge was submitted on February 18, 2005. Subsequently, a Notice of Missing Parts was mailed from the PTO on July 18, 2005. Applicants then resubmitted the February 18<sup>th</sup> submission along with an explaining letter on August 9, 2005. Copies of these submissions are attached hereto. Note Applicants have not received postcard acknowledgements for either of these submissions. In reviewing the PAIR site, Pair showed no record of either the February 2005 submission or the August 2005 submission.

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In a telephone conversation between Deirdre Bailey and Paul Bell at the PCT Help Desk, Mr. Bell advised a petition to the Legal Office to enter the previously filed response to Notice of Missing Parts, with an Addendum to charge the Deposit Account for the necessary time extension in the event that the Petition is denied.

**ACTION REQUESTED**

As Applicants believe that the Response to the Notice of Missing Parts was timely submitted, Applicants request entry of the Declaration & Power of Attorney submitted previously in Response to the Notice of Missing Parts without payment of time extension fees. In the event the Petition is not favorably considered, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Jan. 13, 2006

By: Che S. Chereskin

Che Swyden Chereskin  
Registration No. 41,466  
Agent of Record  
Customer No. 20,995

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## UTILITY/DESIGN PATENT

(miscellaneous)

Date: 3-9-05

Date of Action: \_\_\_\_\_

Rec'd in the USPTO on the date stamped hereon via:

☒ Certificate of Mail; or☐ Express Mail #:Docket #: 2004191001 APCApplicant: Yasuda, et alTitle: Composition for Promoting the Proliferation ofApp No.: 10/521,947Filed: 1-21-05Exr: UnkArt Unit: Unk

Class/Sub-Class: \_\_\_\_\_

Re-Exam No.: \_\_\_\_\_

Patent No.: \_\_\_\_\_

Issued: \_\_\_\_\_

VERIFIED BY: Asst DLAtty: C. ChervakinaQC: B☒ Transmitted☒ Letter (1 pg)☒ Copies of Doc/PDA as previously filed☒ Notice to file missing parts☐ \_\_\_\_\_☐ \_\_\_\_\_☒ Return Prepaid Postcard

(11/23/04)

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